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**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2830
OFFERED BY MR. WEINER OF NEW YORK**

Add at the end the following new title:

**1 TITLE ____—ADDITIONAL
2 **MISCELLANEOUS PROVISIONS****

3 SEC. __01. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.

4 (a) STUDY.—Of the amounts provided under section
5 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712),
6 the Administrator of the Environmental Protection Agen-
7 cy shall conduct a full-site characterization of the under-
8 ground petroleum spill on the Brooklyn shoreline of New-
9 town Creek in Greenpoint, Brooklyn, New York. Specifi-
10 cally, the full-site characterization shall include, but not
11 be limited to, the following:

12 (1) The investigation, collection, and analysis of
13 data on the full extent of the free product plume, in-
14 cluding any historic remnants currently distinct or
15 fragmented from current spill delineations.

16 (2) The investigation, collection, and analysis of
17 data on the full extent of the dissolved phase of the
18 plume, including the geographic extent and con-
19 centrations of groundwater contamination.

1 (3) The investigation, collection, and analysis of
2 data on the full extent of soil contamination, includ-
3 ing current and historic smear zones.

4 (4) The investigation, collection, and analysis of
5 data on the full extent of soil vapor contamination,
6 including vertical and horizontal pathways within the
7 vadose zone.

8 (5) The evaluation of the entire spill area, cov-
9 ering both the free-product and dissolved plume,
10 using three-phase numerical modeling techniques
11 simulating the movement and interaction of water,
12 oil, and vapor in a geologic medium, and use of such
13 model to make an estimate on the length of time
14 that will be required to recover free product, con-
15 taminated groundwater and contaminated soil from
16 the underground plumes.

17 (6) The investigation and collection of data on
18 monthly groundwater levels over a representative
19 area of the free product and dissolved phase con-
20 tamination areas to establish background water lev-
21 els.

22 (7) The investigation, collection, and analysis of
23 data on current and historic groundwater pathways
24 in the region.

1 (8) The investigation, collection, and analysis of
2 data on the impact of tidal fluctuations on ground-
3 water levels in the region.

4 (9) The investigation, collection, and analysis of
5 data on seepage of free product and dissolved phase
6 groundwater into Newtown Creek along the entire
7 spill area shoreline.

8 (10) Chemical analysis and description of the
9 oil product in the Newtown creek region in its free-
10 product phase, its dissolved phase, and its smeared
11 phase.

12 (b) THREE-DIMENSIONAL REPRESENTATION.—The
13 study should produce a detailed, three-dimensional rep-
14 resentation reflecting the latitudinal and longitudinal loca-
15 tion of the oil spill in the Newtown Creek region and also
16 the observed and corrected thickness of the spill.

17 (c) NO GEOGRAPHIC LIMIT.—There should be no ge-
18 ographic limit to the study. However, testing should be
19 performed at potential historic migration pathways and
20 currently or newly detected product and groundwater con-
21 tamination areas near the Greenpoint oil spill. Focus
22 should begin on areas to the north, south, southeast, and
23 east of the current published spill location. Emphasis
24 should be placed on the path the spill may have taken
25 when it was subject to hydrologic pressures during the

1 days of groundwater withdrawals in the early-to-mid part
2 of the 20th Century. Reports of oil in building foundations
3 in the area of Roebling Street and North Eleventh Street
4 in Brooklyn, New York, must be investigated to determine
5 whether those oil pockets are distinct from the Greenpoint
6 Oil Spill, are historic remnants of the Greenpoint Oil Spill,
7 or remain hydrologically connected to the Greenpoint Oil
8 Spill.

9 (d) COLLECTION OF NEW FIELD EVIDENCE.—The
10 study must be driven by the collection of new field evi-
11 dence and should not be limited to the review or co-review
12 of existing or scheduled data collection by private parties
13 or state and municipal entities. New evidence should in-
14 clude the collection of data from new product, ground-
15 water and soil monitoring wells as well as from existing
16 groundwater and soil monitoring wells at the Greenpoint
17 Oil Spill site.

18 (e) REVISED ESTIMATE.—The study must produce a
19 revised estimate of the volume and area of the spill in its
20 three phases: free product, polluted groundwater, and
21 smeared soils. The study must evaluate the remaining
22 plume volume using corrected product thickness values.

23 (e) REPORT.—Not later than one year after the date
24 of enactment of this Act, the Administrator shall submit
25 a report containing the results of the study to the Com-

1 mittee on Environment and Public Works and the Com-
2 mittee on Commerce, Science, and Transportation of the
3 Senate and the Committee on Transportation and Infra-
4 structure of the House of Representatives.

5 (f) DEFINITIONS.—In this section:

6 (1) DISSOLVED PHASE.—The term “dissolved
7 phase” means the portion of the underground petro-
8 leum plume that has dissolved into the groundwater.

9 (2) FREE PRODUCT PHASE.—The term “free
10 product phase” means that portion of the under-
11 ground petroleum plume that floats atop the ground-
12 water in its refined state or crude state (or both).

13 (3) SMEAR ZONE.—The term “smear zone”
14 means the area of soil contamination that may exist,
15 at varying extents, within the zone of horizontal and
16 vertical water table fluctuations that have occurred
17 since the time of the petroleum release.

18 (4) SPILL AREA.—The term “spill area” means
19 a multimillion gallon subsurface petroleum plume in
20 North Brooklyn, New York, that is loosely bound by
21 Newtown Creek on the northeast, the Brooklyn-
22 Queens Expressway on the east and south, North
23 Henry Street on the west, and Greenpoint Avenue
24 on the north, and that is often referred to as the

1 “Greenpoint Oil Spill”, the “Newtown Creek Oil
2 Spill”, or the “Greenpoint Free Product Plume”.

3 (5) VADOSE ZONE.—The term “vadose zone”
4 means the area between the land surface and the
5 water table. Since the water table fluctuates, the
6 thickness of the vadose zone varies with the water
7 table.

